

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

State of Minnesota, by its
Attorney General Lori Swanson,

Civil File No. 12-145 RHK/JJK

Plaintiff,

v.

AFFIDAVIT OF JACK WIEBKE

Accretive Health, Inc.,

Defendant.

Jack Wiebke, being first duly sworn on oath, state as follows:

1. My name is Jack Wiebke. I am 67 years old and I live in Farmington, Minnesota with my wife, Kathy. Kathy and I have been married for 21 years. I was born in Lincoln, Nebraska and moved to Minneapolis at age 12. I graduated from the University of Minnesota with a degree in business administration and then owned my own retail/home decorating business for 7 years. After that, I continued to work in the retail decorating business as a sales manager for several companies. In 2007, I retired, but I still work part-time as a shuttle driver for several hotels to stay active. Kathy also retired last year. Before that, Kathy worked as a secretary and then as an office administrator at two different churches in Burnsville. One of my wife's children, Cammi, works as a Registered Nurse at Children's Hospital in Minneapolis. Kathy and I enjoy camping in southern Minnesota, taking Caribbean cruises in the winter, and spending time with our grandchildren.

2. Throughout the winter of 2010-2011, I began experiencing excruciating pain in my lower back. The pain was unbearable and continued to get worse. I went to see my primary care physician and then a urologist who both work for Fairview. My urologist diagnosed me as having kidney stones. My pain persisted and I could not pass the kidney stones, so in late February, my doctor decided I needed surgery and scheduled the surgery for March 2, 2011 at Fairview Ridges Hospital in Burnsville.

3. On the morning of March 2, 2011, I went to Fairview Ridges Hospital with Kathy for my surgery. We walked to the front desk, registered, and sat down in the lobby area and waited. After about ten minutes, the receptionist told us that we needed to meet with a financial counselor before the surgery and took us to a small office adjacent to the lobby. A woman in business clothes was waiting in the room and identified herself as a financial counselor. The woman told us that the out-of-pocket responsibility for my surgery would be \$1,443.93 and that we needed to pay this amount before I went in for surgery. We were shocked and had no idea that we needed to pay this amount up-front, prior to my surgery, until that very moment. Kathy told the woman that we didn't have that much cash on us and that we didn't bring our checkbook. The woman told us that we could pay by credit card. We asked the woman to leave the room so we could discuss what we were going to do. Because I was still in agonizing pain from the kidney stones, we didn't want to postpone my surgery so we reluctantly decided to put the amount on a debit card. We were never told that payment was optional. Instead, we were given the strong impression that the surgery could not take place unless we paid the \$1443.93. I felt stressed about the hit our bank account would take with paying for the entire bill

up-front. After a few minutes, the woman came back into the room. We gave her our debit card so I could have the surgery. She charged the debit card and gave us a receipt. I attach a copy of the receipt as Exhibit 1. She also gave us a screenshot with Accretive Health's name on the top. A copy of the screenshot is attached as Exhibit 2. We were then allowed to leave the room.

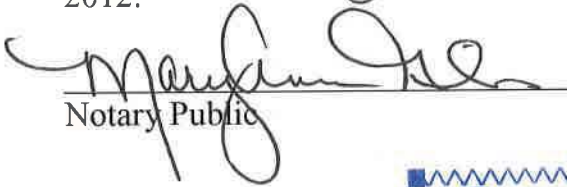
4. While we were meeting with the financial counselor, Cammi (Kathy's daughter who is a nurse) arrived in the lobby to wait with Kathy while I was in surgery. When we returned to the lobby, she could tell that we both looked stressed, and we told her what had happened. She said she had never heard of such practices taking place in the hospital where she works. I suffer from heart disease and have experienced two heart attacks and triple bypass heart surgery over the course of my life. Stress can exacerbate my heart condition. Kathy was worried that the added stress from this incident could cause heart complications during my surgery. Shortly after we got back to the lobby, I was called back to the surgery area and I had the surgery to remove my kidney stones. As I was recovering in a patient room after the surgery, Kathy was asked to fill out a written survey regarding our experience at the hospital. Cammi encouraged Kathy to report on the survey about the anxiety and stress with the way we were treated in collections just minutes before I went into surgery. Kathy submitted the survey, but we were never contacted by anyone about our concerns.

5. About a month later, we received our Explanation of Benefits ("EOB") from our insurance company for the surgery. The EOB showed that we had overpaid for my surgery when we were asked to pay up-front. I attached a copy of the EOB as

Exhibit 3. I then called Fairview's business office for an explanation and asked for an itemized bill. Fairview sent me an itemized bill for my surgery that showed I had overpaid for my surgery by approximately \$390. I attach a copy of this itemized bill as Exhibit 4. After I requested a refund, I eventually got one.


JACK WIEBKE

Subscribed and sworn to before me
this 5th day of June, 2012.
2012.


Notary Public

AG: #3024977-v1



Print Receipt

Page 1 of 1

**Patient Payment Receipt**

Terminal Operator: Operator #74
Transaction Date: Mar 2 2011 12:23PM
Batch #: 40917

Payment Information**Charges**

Patient	AR Number	Date of Service	Service Code	Amount Due	Payment
Jack Wiebke (MR: [REDACTED])					
5668 200th St W, Farmington, MN 550248418					
[REDACTED]		03/02/2011	SDS	\$ 1,443.93	\$ 1,443.93

Total Paid: \$ 1,443.93**Payment Method:** Visa**Card Number:** [REDACTED]**Cardholder's Name:** JACK WIEBKE**Authorization Code:** [REDACTED]**Signature:**

A handwritten signature in black ink, appearing to read 'Jack Wiebke', written over a horizontal line.

EXHIBIT 1

EXHIBIT 2

20110325 2596B

EXPLANATION OF BENEFIT

Claim Administration Services Provided by:



COMPREHENSIVE CARE SERVICES, INC.
P.O. Box 64668
St. Paul, MN 55164-0668

CONTACT: CUSTOMER SERVICE
(651) 662-5425
TOLL FREE
(866) 356-2425

THIS IS NOT A BILL

PATIENT NAME:
WIEBKE, JACK

SUBSCRIBER NAME:
WIEBKE, JACK

PATIENT ID:
GROUP/POLICY:
LOC/DEPT:



WIEBKE, JACK
5668 200TH ST W
FARMINGTON

MN 55024

Handwritten: 05-46-3775
12/24/11
FOR PAID 12/11/11
BLC

SERVICE DATES	DESCRIPTION	CHARGES	PROVIDER RESP	NON-COVERED	ALLOWED AMOUNT	DEDUCT-IBLE	CO-PAY	CO-INS	NOTE ID
0302110302		17876	11614		6262			1879	
0302110302		5781	3760		2021			606	
0302110302		5547	3607		1940			582	
0302110302		9820	6390		3430			1029	
0302110302		10966	7130		3836			1151	
0302110302		13077	8505		4572			1372	
0302110302		924	609		315			95	
0302110302		3101	2018		1083			325	
0302110302		199352	129646		69706			20912	
0302110302		11300	7349		3951			1185	
0302110302		31400	20420		10980			3294	
0302110302		2800	1821		979			294	
0302110302		7100	4617		2483			745	
0302110302		2400	1561		839			252	
0302110302		6000	3902		2098			629	
0302110302		35600	23152		12448			3734	
0302110302		318900	207390		111510			33453	
0302110302		318900	207391		111509			33453	
0302110302									
TOTALS		1000844	650882		349962			104990	

TOTAL CHARGES	1000844
PD BY OTHER INS	
ADJUSTMENT	
TOTAL YOU OWE	104990
PROVIDER RESP	650882
OTHER ADJUSTMENT	
TOTAL PAYMENT	244972
LIFETIME:	\$12603.79

CLAIM NUMBER	CHECK NUMBER	DATE PAID	PATIENT CONTROL NUMBER
		03/25/2011	
952-892-2000			PATIENT FINANCIAL
PROVIDER NUMBER	PROVIDER NAME	PAR	
1045HFA	FAIRVIEW RIDGES HOSPITAL	YES	

NOTES:

Handwritten: 3-2-11 ADT 1443.93 137128 OVERPAYMENT / CANCELL
4/5/11 7394.03 ? REFUND TO BE ISSUED

EXHIBIT 3

FAIRVIEW RIDGES HOSPITAL
PO BOX 147
MINNEAPOLIS MN 55440-0147

IRS I.D. NUMBER

DATE: 04/05/2011

PAGE: 1

PATIENT NAME	PATIENT ACCOUNT NO	ADMISSION DATE	DISCHARGE DATE				
WIEBKE, JACK L		03/02/11	03/02/11	0	CCS		
		5920	5921	4280	4019		

FOR SERVICES RENDERED AT:
FAIRVIEW RIDGES HOSPITAL

WIEBKE, JACK L
5668 200TH ST W
FARMINGTON MN 55024-8418

(CLN)

DETAIL OF CHARGES					
DATE	DESCRIPTION	AMOUNT	DATE	DESCRIPTION	AMOUNT
03/02		9.37	03/02		9.37
03/02		147.24	03/02		159.51
03/02		9.24	03/02		98.20
03/02		54.19	03/02		65.75
03/02		65.02	03/02		55.47
03/02		52.00	03/02		54.40
03/02		72.36	03/02		55.47
03/02		57.81			
03/02		282.00	03/02		32.00
03/02		344.00	03/02		113.00
03/02		626.00	03/02		113.00
03/02		758.00	03/02		98.00
03/02		54.52			
03/02		71.00	03/02		28.00
03/02		24.00			

NOTICE TO PATIENT

EXHIBIT 4

FAIRVIEW RIDGES HOSPITAL
PO BOX 147
MINNEAPOLIS MN 55440-0147

IRS ID NUMBER

DATE: 04/05/2011 PAGE: 2

PATIENT NAME	PATIENT ACCOUNT NO	ADMISSION DATE	DISCHARGE DATE				
WIEBKE, JACK L		03/02/11	03/02/11	0	CCS		
		5920	5921		4280		4019

FOR SERVICES RENDERED AT:
FAIRVIEW RIDGES HOSPITAL

WIEBKE, JACK L
5668 200TH ST W
FARMINGTON MN 55024-8418

(CLN)

DETAIL OF CHARGES

DATE	DESCRIPTION	AMOUNT	DATE	DESCRIPTION	AMOUNT
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NOTICE TO PATIENT

FAIRVIEW RIDGES HOSPITAL
PO BOX 147
MINNEAPOLIS MN 55440-0147

IRS ID NUMBER

DATE: 04/05/2011 PAGE: 3

PATIENT NAME	PATIENT ACCOUNT NO	ADMISSION DATE	DISCHARGE DATE				
WIEBKE, JACK L		03/02/11	03/02/11	0	CCS		
		5920	5921		4280		4019

FOR SERVICES RENDERED AT:
FAIRVIEW RIDGES HOSPITAL

WIEBKE, JACK L
5668 200TH ST W
FARMINGTON MN 55024-8418

(CLN)

DETAIL OF CHARGES					
DATE	DESCRIPTION	AMOUNT	DATE	DESCRIPTION	AMOUNT
	TOTAL CHARGES				10,085.44
	TOTAL PAYMENTS				10,476.72-
	TOTAL REMAINING BALANCE				391.28-

REMOVED
4/3/11

NOTICE TO PATIENT

THANK YOU FOR USING OUR FACILITY. WE HAVE BILLED THE RESPONSIBLE PARTY (SUCH AS INSURANCE CO., WORKERS COMP., EMPLOYER, ETC.) AS APPLICABLE. THIS IS NOT A BILL. IT IS FOR YOUR RECORDS ONLY. THIS STATEMENT COVERS HOSPITAL CHARGES ONLY. YOUR PHYSICIAN WILL BILL YOU SEPARATELY. FOR ADDITIONAL INFORMATION, PLEASE CALL (612)-672-6724 MONDAY THRU FRIDAY 8:00AM - 4:30PM .